

PATENT

Case Docket No. LOMACEN.015C5

Date: November 12, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : William J. Wechter
Appl. No. : 10/661,336
Filed : September 12, 2003
For : USE OF γ -TOCOPHEROL AND
ITS OXIDATIVE
METABOLITE LLU- α IN THE
TREATMENT OF DISEASE
Examiner : Unassigned
Group Art Unit : Unassigned

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November 12, 2003

(Date)

Eric S. Furman, Ph.D., Reg. No. 45,664


TRANSMITTAL LETTER

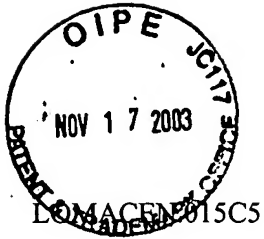
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application are:

- (X) An Information Disclosure Statement.
- (X) PTO Form 1449 in four pages with fifty-six (56) references, four (4) of which are enclosed.
- (X) The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment, to Account No. 11-1410.
- (X) Return prepaid postcard.


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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant | : | Wechter, William J. |) | Group Art Unit Unassigned |
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| App. No. | : | 10/661,336 |) | |
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| Filed | : | September 12, 2003 |) | |
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| | | ITS OXIDATIVE METABOLITE |) | |
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| | | OF DISEASE |) | |
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| Examiner | : | Unassigned |) | |
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INFORMATION DISCLOSURE STATEMENT

United States Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Dear Sir:

Enclosed is form PTO-1449 listing fifty-six (56) references. The four (4) references listed on sheet 1 are enclosed. The remaining fifty-two (52) references on sheet 2, 3, and 4 were previously listed in an Information Disclosure Statement for Application No. 10/372,510, filed on March 26, 2003. The present patent application is a continuation application of Application No. 10/372,510 and is relied upon for an earlier filing date under 35 U.S.C. § 120. Therefore, according to paragraph (d) of 37 C.F.R. § 1.98, no copies of the references are enclosed.


Appl. No. : 10/661,336
Filed : September 12, 2003

This Information Disclosure Statement is being filed within three months of the filing date of this application and no fee is required in accordance with 37 C.F.R. § 1.97(b)(1), (b)(2), or (b)(4). If a fee is determined necessary for the filing of this paper, please charge Deposit Account No. 11-1410.

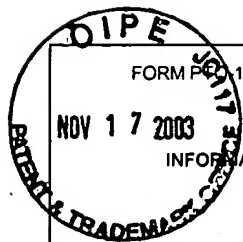
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Nov. 12, 2003

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| FORM PTO 1449 | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | ATTY. DOCKET NO. LOMACEN.015C5 | APPLICATION NO. 10/661,336 |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (USE SEVERAL SHEETS IF NECESSARY) | | APPLICANT William J. Wechter | |
| | | FILING DATE September 12, 2003 | GROUP |

U.S. PATENT DOCUMENTS

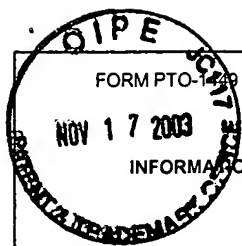
| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE (IF APPROPRIATE) |
|---------------------|----|-----------------|----------|---------|-------|----------|---------------------------------|
| | 1. | 4,144,325 | 03/13/79 | Voyt | 424 | 59 | |
| | 2. | 6,410,589 | 06/25/02 | Wechter | 514 | 548 | |

FOREIGN PATENT DOCUMENTS

| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION | |
|---------------------|----|-----------------|----------|---------|-------|----------|-------------|----|
| | | | | | | | YES | NO |
| | 3. | 0 350 913 | 01/17/90 | EPO | | | | |

| EXAMINER INITIAL | OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.) | |
|---------------------|--|---|
| | 4. | Isselbacher, et al., Ed's, Harrison's Principles of Internal Medicine, 13 th ed., Vol. 2, McGraw-Hill, New York, 1994. |

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| EXAMINER | DATE CONSIDERED |
| *EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED, INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT. | |



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| FORM PTO-1229 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (USE SEVERAL SHEETS IF NECESSARY) | ATTY. DOCKET NO. LOMACEN.015C5 | APPLICATION NO. 10/661,336 |
| | APPLICANT William J. Wechter | |
| | FILING DATE September 12, 2003 | GROUP |

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE (IF APPROPRIATE) |
|---------------------|-----|-----------------|----------|-----------------|-------|----------|---------------------------------|
| | 1. | 4,321,270 | 03/23/82 | Sundeen | 424 | 267 | |
| | 2. | 4,914,197 | 04/03/90 | Yamamoto et al. | 536 | 117 | |
| | 3. | 5,139,796 | 08/18/92 | Barkalow et al. | 426 | 3 | |
| | 4. | 5,200,214 | 04/06/93 | Barkalow et al. | 426 | 3 | |
| | 5. | 5,270,060 | 12/14/93 | Foster et al. | 426 | 3 | |
| | 6. | 5,739,156 | 04/14/98 | Bissett | 514 | 458 | |
| | 7. | 6,048,891 | 04/11/00 | Wechter | 514 | 456 | |
| | 8. | 6,242,479 | 06/05/01 | Wechter | 514 | 456 | |
| | 9. | 6,426,362 | 07/30/02 | Miller et al. | 514 | 458 | |
| | 10. | 2002/0040053 | 04/04/02 | Kondo et al. | 514 | 456 | |
| | 11. | 2002/0132845 | 09/19/02 | Miller et al. | 514 | 458 | |
| | 12. | 2002/0143049 | 10/03/02 | Miller et al. | 514 | 458 | |
| | 13. | 2003/0013656 | 01/16/03 | Wang et al. | 514 | 17 | |
| | 14. | 2003/0013657 | 01/16/03 | Wang et al. | 514 | 17 | |
| | 15. | 2003/0013846 | 01/16/03 | Wang et al. | 530 | 330 | |
| | 16. | 2003/0013847 | 01/16/03 | Wang et al. | 530 | 330 | |
| | 17. | 2003/0022818 | 01/30/03 | Wang et al. | 514 | 6 | |

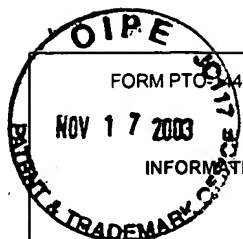
FOREIGN PATENT DOCUMENTS

| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION | |
|---------------------|-----|-----------------|------|---------|-------|----------|-------------|----|
| | | | | | | | YES | NO |
| | 18. | 0 326 987 A2 | | EPO | | | | |
| | 19. | 0 413 668 A2 | | EPO | | | | |
| | 20. | WO 96/05191 | | PCT | | | | |

EXAMINER

DATE CONSIDERED

*EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED, INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

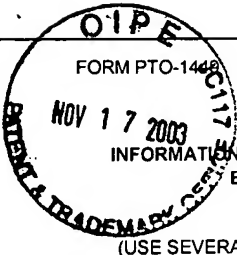


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| FORM PTO-249 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (USE SEVERAL SHEETS IF NECESSARY) | ATTY. DOCKET NO. LOMACEN.015C5 | APPLICATION NO. 10/661,336 |
| | APPLICANT William J. Wechter | |
| | FILING DATE September 12, 2003 | GROUP |

| FOREIGN PATENT DOCUMENTS | | | | | | | | | |
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| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION | | |
| | | | | | | | YES | NO | |
| | 21. | WO 96/19215 | | PCT | | | | | |
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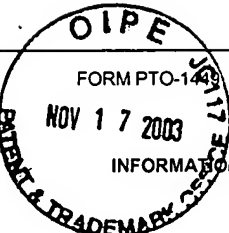
| EXAMINER INITIAL | OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.) | |
|---------------------|--|--|
| | 22. | Beharka, et al., "Vitamin E Status and Immune Function," Methods in Enzymology, Vol. 282, pp. 247-263, 1997. |
| | 23. | Benaksas, et al., Life Sciences, 52:1045-54 (1993) |
| | 24. | Bottje et al., "Effect of Dietary dl-alpha-Tocopherol on tissue alpha- and Gamma- Tocopherol and Pulmonary Hypertension Syndrome (Ascities in Broilers," Poultry Science, 76:1506-12, Abstract Only (1997) |
| | 25. | Burnett, et al., "Mechanisms of Phytochemical Inhibition . . .," American Chemical Society Symposium Series, pp. 45-58, 1998. |
| | 26. | Campo, et al., <i>Free Radical Biology and Medicine</i> , "Reduction of Myocardial Infarct Size in rat by IRFI-048, a selective analogue of Vitamin E", Vol. 16, pp.427-435 (1994) |
| | 27. | Campo, et al., <i>Pharmacology</i> , "Protective Effects of IRF-016, a New Antioxidant Agent, in Myocardial Damage, following coronary artery occlusion and reperfusion in the rat", 48:157-166 (1994) |
| | 28. | Campo, et al., <i>Research Comm. in Chem. Pathology and Pharmacology</i> , "IRFI-016, a new radical scavenger, limits ischemic damage following coronary artery occlusion in rats", Vol. 76, No., pp.287-303, (1992) |
| | 29. | Christen et al., "γ-Tocopheral Traps Mutagenic Electrophiles such as NO _x and Complements alpha-Tocopheral: Physiological Implications," Proc. Natl. Acad. Sci., USA, 94(7):3217-22 (1997) |
| | 30. | Elson, Charles E., "Impact of Palm Oil on Experimental Carcinogenesis," Vitamine E in Health and Disease, Packer & Fuchs eds, Chapter 39, pp. 533-45 (1993) |
| | 31. | Frei & Ames, "Relative Importance of Vitamine E in Antiperoxidative Defenses in Human Blood Plasma and Low-Density Lipoprotein (LDL)," Vitamine E in Health and Disease, Packer & Fuchs eds, Chapter 10, pp. 131-39 (1993) |
| | 32. | Germano, Carl, http://www.solgar.com/nutrition_library/articles/tocotrienols.html , Posted 11/27/1997, 4 pgs., "Tocotrienols in Health & Disease: A Novel Antioxidant in the Treatment of Hypercholesterolemia and Cancer." |
| | 33. | Kantoci et al., "Endogenous Natriuretic Factors 6: The Stereochemistry of a Natriuretic γ-Tocopherol Metabolite LLU-α," Journal of Pharmacology and Experimental Therapeutics, 282(2):648-656 (1997) |
| | 34. | Life Extension Foundation, http://lef.org/prod_desc/item564.html , (1995-1999), 2 pgs., "Gamma E Tocopherol Formula." |

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|--|-----------------|
| EXAMINER | DATE CONSIDERED |
| *EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED, INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT. | |

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|  | FORM PTO-1448 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | ATTY. DOCKET NO. LOMACEN.015C5 | APPLICATION NO. 10/661,336 |
| | APPLICANT William J. Wechter | | |
| | FILING DATE September 12, 2003 | GROUP | |

| EXAMINER INITIAL | OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.) |
|---------------------|---|
| 35. | Life Extension Foundation, http://lef.org/cgi-local/shop.pl/page=feb98_newproduct.html , (1995-1999), 3 pgs., "Not all Vitamin E is Created Equal." |
| 36. | McLaughlin & Weihrauch, "Vitamin E Content of Foods," Journal of the American Dietetic Association, 75:6547-665 (1979) |
| 37. | Meydani, Mohsen, "Vitamin E," The Lancet, 345:170-175 (1995) |
| 38. | Meydani, S. & R. Tengerdy, "Vitamin E and Immune Response," Vitamine E in Health and Disease, Packer & Fuchs eds, Chapter 40, pp. 549-561 (1993) |
| 39. | Murray, David E. et al., "Endogenous Natriuretic Factors 7: Biospecificity of a Natriuretic γ -Tocopherol Metabolite LLU- α^1 ," The Journal of Pharmacology and Experimental Therapeutics, Vol. 282, pp. 657-662 (1997) |
| 40. | Nando.net & The Associated Press, http://www.nando.net/newsroom/ntn/health/033197/health12-4931.html , 1997, 2 pgs., "Too Much Vitamin E Can be Harmful." |
| 41. | Odeleve, et al., "The Potential Role of Vitamin E in the Treatment of Immunologic Abnormalities During Acquired Immune Deficiency Syndrome," Database Medline, 1991. |
| 42. | Packer et al., "Significance of Vitamin E for the Athlete," Vitamine E in Health and Disease, Packer & Fuchs eds, (1993) Chapter 34, pp. 465-71 |
| 43. | Richardson et al., "Adhesion of Human Platelets Inhibited by Vitamin E," Vitamine E in Health and Disease, Packer & Fuchs eds, 1993, Ch. 24, pp. 297-311. |
| 44. | Shigenaga et al., "Inflammation and NO _x -induced Nitration: Assay for 3-nitrotyrosine by HPLC with Electrochemical Detection," Proc. Natl. Acad. Sci. USA, 94(7):3211-3216 (1997) |
| 45. | Speck et al., "Vitamin E Composition of Some Speed Oils as Determined by High-Performance Liquid Chromatography with Fluorometric Detection," Journal of Food Science, 501:121-124 (1985) |
| 46. | Stone, et al., "Tocopherols and the Etiology of Colon Cancer," Journal of the National Cancer Institute, Vol 89, pp. 1006-1014, 1997. |
| 47. | The Merck Index, 11 th edition, published by Merck & Co., Inc. (NJ), 1989, citation 9418, pg. 1495. |
| 48. | Wechter et al., "A New Endogenous Natriuretic Factor: LLU- α ," Proc. Natl. Acad. Sci. USA, 93:6002-6007 (1996) |
| 49. | Weichet et al., "Studien in der Gruppe der Vitamine K und E vi. Über die Darstellung von 2, 5, 7, 8, - Tetramethyl-2-(β -Carboxy-Äthyl)-6-Hydroxychroman und Dessen Oxydationsprodukt," Collection Czechoslov. Chem. Commun., 24:1689-1694 (1959) No Translation |
| 50. | Official Monographs, "Vitamin E," "Vitamin E Preparation," and "Vitamin E Capsules," USP 23, pp. 1631-1633 |
| 51. | "Myraid Genetics Plans to Launch the First Genetic Test for High Blood Pressure," Genetic Engineering News, pg. 27 (1997) |
| 52. | Yarita, et al., "Supercritical Fluid Chromatographic Determination of Cholesterol and Cholesteryl Esters in Serum on ODS-Silica Gel Column," Journal of Chromatography A., Vol. 679, pp. 329-334, 1994. |
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